

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

HTC CORP., et al.,

Defendants.

Civil Action No. 6:13-cv-507

CONSOLIDATED LEAD CASE

JURY TRIAL DEMANDED

CORRECTED JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT

Pursuant to P.R. 4-3 and the Court's Docket Control Orders (as amended), Plaintiff Cellular Communications Equipment LLC ("CCE"), and Defendants submit this Corrected Joint Claim Construction and Pre-Hearing Statement.

P.R. 4-3(a)

The parties have reached agreement regarding the construction of the following claim terms, phrases, or clauses for the patents at issue.¹

Term	Construction
"means for receiving a neighbor cell information message" (U.S. Pat. No. 6,819,923, claim 11)	<p>The parties agree this is a means-plus function element to be construed in accordance with 35 U.S.C. 112(6).</p> <p>The parties further agree that the function is "receiving a neighbor cell information message."</p> <p>The parties do <u>not</u> agree regarding the structure.</p>

¹ For each patent, the constructions provided below are only agreed to by those Defendants against whom the patent at issue is asserted.

Term	Construction
<p>“means for associating a specific value of said set of specific parameter values indicated by one of said index with the corresponding second parameter of a neighbor cell” (U.S. Pat. No. 6,819,923, claim 11)</p>	<p>The parties agree this is a means-plus function element to be construed in accordance with 35 U.S.C. 112(6).</p> <p>The parties further agree that the function is “associating a specific value of said set of specific parameter values indicated by one of said index with the corresponding second parameter of a neighbor cell.”</p> <p>The parties do <u>not</u> agree regarding the structure.</p>
<p>“processing means for arranging gaps in a time-slot frame according to the measurement pattern definitions” (U.S. Pat. No. 6,810,019, claim 11)</p>	<p>The parties agree this is a means-plus function element to be construed in accordance with 35 U.S.C. 112(6).</p> <p>The parties further agree that the function is “arranging gaps in a time-slot frame according to the measurement pattern definitions.”</p> <p>The parties do <u>not</u> agree regarding the structure.</p>

P.R. 4-3(b)

With respect to the terms that are in dispute, the chart attached as Exhibit A provides CCE’s proposed constructions, and the chart attached as Exhibit B provides Defendants’ proposed constructions.² These charts also provide an identification of the intrinsic and extrinsic evidence upon which each party intends to rely to support its proposed constructions. Each party reserves the right to rely on any intrinsic or extrinsic evidence identified by the other party.

² For each patent, the constructions and/or indefiniteness positions provided in Exhibit B are proposed only by those Defendants against whom the patent at issue is asserted.

P.R. 4-3(c)

The Court has set the Claim Construction Hearing for the patents at issue to begin at 9:00 a.m. on November 18, 2014. CCE requests 90 minutes per side (3 hours total). Defendants request 120 minutes per side (4 hours total).

P.R. 4-3(d)

At this time, neither CCE nor Defendants intends to call any live witnesses at the Claim Construction Hearing; however, Defendants reserve the right to bring Dr. Robert Akl to answer any questions the Court may have. CCE does intend to rely on one or more expert declarations in support of certain of its positions and/or constructions, as identified in Exhibit A. Per the parties' agreement, any CCE expert declaration supporting arguments contained in its Opening Claim Construction Brief will be disclosed to Defendants no later than the filing of that brief. CCE also intends to rely on one or more expert declarations to rebut Defendants' indefiniteness allegations, to the extent they are permitted to file a Motion for Summary Judgment on that issue. To the extent that any such expert declaration contains content supporting arguments contained in its Opening Claim Construction Brief, but such content was not disclosed to Defendants by the time of filing of that brief, Defendants reserve the right to raise objections and seek to strike and/or preclude reliance on such content.

As set forth in Exhibit B, Defendants intend to rely on one or more expert declarations in support of certain of their positions and/or constructions, whether set forth in their Responsive Claim Construction Brief, their letter brief seeking leave to file a motion for summary judgment of indefiniteness, and/or their motion for summary judgment of indefiniteness. Such expert declarations are expected to include an expert declaration from Dr. Robert Akl. Per the parties' agreement, any expert declaration supporting arguments contained in Defendants' Responsive

Claim Construction Brief will be disclosed to CCE no later than the filing of that brief. To the extent that CCE relied on an expert declaration to rebut Defendants' indefiniteness allegations, Defendants reserve the right to rely on one or more expert declarations to reply to CCE's rebuttal declaration.

P.R. 4-3 (e)

At present, the parties are unaware of any additional issues that would require the scheduling of a pre-hearing conference prior to the Claim Construction Hearing.

DATED: September 12, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of September, 2014, I electronically filed the foregoing document with the clerk of the Court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the Court's electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Christopher W. Kennerly